

## EXHIBIT A

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11 E-mail: KMoore@kjmlaw.com  
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12 *Counsel for Plaintiff Kevin So*

13 UNITED STATES DISTRICT COURT FOR THE  
14 CENTRAL DISTRICT OF CALIFORNIA  
(Western Division-Los Angeles)

15 KEVIN SO,

16 Plaintiff,

17 v.

18 LAND BASE, LLC, et al.

19 Defendants.  
20

CASE NO. CV 08-3336 DDP (AGR<sub>x</sub>)

PLAINTIFF'S INITIAL RULE 26  
DISCLOSURE STATEMENT

21  
22 Plaintiff Kevin So, through undersigned counsel and pursuant to Fed.R.Civ.P. 26(a)(1) and the  
23 Court's Rule 16(b) Scheduling Order dated November 10, 2008, hereby submits his initial disclosures.

24 PRELIMINARY STATEMENT

25 Plaintiff incorporates in this statement all information contained in his Complaint, all parties'  
26 answers, disclosures statements, answers to interrogatories, responses to requests for production,  
27 correspondence, depositions taken, and documents produced during discovery, without waiver of any  
28 objections to admissibility or authenticity of such items. This Disclosure Statement and its contents

1 represent the results of the investigation of this matter to date. This matter is only in the initial stages of  
2 discovery and further investigation and discovery may bring to light additional information that may have  
3 a bearing on the Plaintiff's legal theories and factual allegations. Accordingly, this Initial Disclosure  
4 Statement is provided to comply with Rule 26(a)(1) and supplements may be provided as discovery  
5 continues and further information is obtained.

6 **A. Individuals Likely to Have Discoverable Information.**

7 1. Plaintiff Kevin So  
8 c/o Kalbian Hagerty, LLP  
9 The Brawner Building  
10 888 17<sup>th</sup> Street, NW, Suite 1000  
Washington, DC 20006  
(202) 223-5600

11 Plaintiff will testify regarding his investment in the Private Placement Project, his dealings with  
12 the Defendants, and all facts set out in the Complaint as well as any other pleadings filed on his behalf in  
this matter.

13 2. Defendant Boris Lopatin  
14 1274 N. Crescent Heights Blvd. # 116  
Los Angeles, CA 90046

15 Defendant Lopatin is believed to have information regarding, *inter alia*, (i) the recruitment of  
16 Plaintiff and others as investors in the Private Placement Project, (ii) the fraud alleged in the Complaint  
and the persons and entities who participated therein, (iii) any agreements and communications between  
17 the various persons and entities involved in the Private Placement Project, (iv) the location and amount of  
profits earned as a result of the Private Placement Project by this defendant and his co-defendants as well  
18 as any third parties, and (v) the case of *HSBC Bank plc v. Michael Robert Alexander Brown, et al.*, 2005  
Folio 841, before the High Court of Justice Queen's Bench Division Commercial Court (the "HSBC  
Litigation").

19 3. Defendant Suilkee Kim a/k/a Cameron S. Kim  
20 Address Unknown

21 Defendant Kim is believed to have information regarding, *inter alia*, (i) the recruitment of  
22 Plaintiff and others as investors in the Private Placement Project, (ii) the fraud alleged in the Complaint  
and the persons and entities who participated therein, (iii) any agreements and communications between  
23 the various persons and entities involved in the Private Placement Project, (iv) the location and amount of  
profits earned as a result of the Private Placement Project by this defendant and his co-defendants as well  
as any third parties, and (v) the HSBC Litigation.

24 4. Defendant Charles W. Woodhead  
25 25 Nunes Road  
Watsonville, CA 95076  
26 (831) 684-2480

27 Defendant Woodhead is believed to have information regarding, *inter alia*, (i) the recruitment of  
28 Plaintiff and others as investors in the Private Placement Project, (ii) the fraud alleged in the Complaint  
and the persons and entities who participated therein, (iii) any agreements and communications between  
the various persons and entities involved in the Private Placement Project, (iv) the location and amount of

1 profits earned as a result of the Private Placement Project by this defendant and his co-defendants as well  
2 as any third parties, and (v) the HSBC Litigation.

3 5. Defendant Lucy Lu  
4 51 Kimbark Cr.  
5 Markham, ON  
6 L3R 7P4  
7 Canada

8 Defendant Lu is believed to have information regarding, *inter alia*, (i) the recruitment of Plaintiff  
9 by Lu and Henry Yang as an investor in a private placement investment, (ii) the recruitment of Plaintiff  
10 and others as investors in the Private Placement Project, (iii) the fraud alleged in the Complaint and the  
11 persons and entities who participated therein, (iv) any agreements and communications between the  
12 various persons and entities involved in the Private Placement Project, (v) the location and amount of  
13 profits earned as a result of the Private Placement Project by this defendant and his co-defendants as well  
14 as any third parties, and (vi) the HSBC Litigation.

15 6. Defendant Henry Yang  
16 51 Kimbark Cr.  
17 Markham, ON  
18 L3R 7P4  
19 Canada

20 Defendant Yang is believed to have information regarding, *inter alia*, (i) the recruitment of  
21 Plaintiff by Yang and Lu as an investor in a private placement investment, (ii) the recruitment of Plaintiff  
22 and others as investors in the Private Placement Project, (iii) the fraud alleged in the Complaint and the  
23 persons and entities who participated therein, (iv) any agreements and communications between the  
24 various persons and entities involved in the Private Placement Project, (v) the location and amount of  
25 profits earned as a result of the Private Placement Project by this defendant and his co-defendants as well  
26 as any third parties, and (vi) the HSBC Litigation.

27 7. Michael Robert Alexander Brown  
28 Address Unknown

Mr. Brown is believed to have information regarding, *inter alia*, (i) the recruitment of Plaintiff  
and others as investors in the Private Placement Project, (ii) the fraud alleged in the Complaint and the  
persons and entities who participated therein, (iii) any agreements and communications between the  
various persons and entities involved in the Private Placement Project, (iv) the location and amount of  
profits earned as a result of the Private Placement Project by this defendant and his co-defendants as well  
as any third parties, and (v) the HSBC Litigation.

8. Robert Minton  
21 Giles  
Staffordshire, England  
W5137JU

Defendant Minton is believed to have information regarding, *inter alia*, (i) the recruitment of  
Plaintiff and others as investors in the Private Placement Project, (ii) the fraud alleged in the Complaint  
and the persons and entities who participated therein, (iii) any agreements and communications between  
the various persons and entities involved in the Private Placement Project, (iv) the location and amount of  
profits earned as a result of the Private Placement Project by this defendant and his co-defendants as well  
as any third parties, and (v) the HSBC Litigation.

1 9. Defendant Mira Meltzer  
2 7848 Willowbrook Road  
3 Fairfax Station, VA 22039

4 Defendant Meltzer is believed to have information regarding, *inter alia*, (i) the recruitment of  
5 Plaintiff and others as investors in the Private Placement Project, (ii) the fraud alleged in the Complaint  
6 and the persons and entities who participated therein, (iii) any agreements and communications between  
7 the various persons and entities involved in the Private Placement Project, (iv) the location and amount of  
8 profits earned as a result of the Private Placement Project by this defendant and his co-defendants as well  
9 as any third parties, and (v) the HSBC Litigation.

10 10. Defendant Kevin Kondas  
11 9431 Silver Oak Road  
12 La Plata, MD 20646

13 Defendant Kondas is believed to have information regarding, *inter alia*, (i) the recruitment of  
14 Plaintiff and others as investors in the Private Placement Project, (ii) the fraud alleged in the Complaint  
15 and the persons and entities who participated therein, (iii) any agreements and communications between  
16 the various persons and entities involved in the Private Placement Project, (iv) the location and amount of  
17 profits earned as a result of the Private Placement Project by this defendant and his co-defendants as well  
18 as any third parties, and (v) the HSBC Litigation.

19 11. Defendant Keith Millar  
20 26 Station Road Crosshills  
21 North Yorkshire, England  
22 BD207EH

23 Defendant Millar is believed to have information regarding, *inter alia*, (i) the recruitment of  
24 Plaintiff and others as investors in the Private Placement Project, (ii) the fraud alleged in the Complaint  
25 and the persons and entities who participated therein, (iii) any agreements and communications between  
26 the various persons and entities involved in the Private Placement Project, (iv) the location and amount of  
27 profits earned as a result of the Private Placement Project by this defendant and his co-defendants as well  
28 as any third parties, and (v) the HSBC Litigation.

12. Robert William Mann  
737 Westholme Avenue  
Los Angeles, CA 90026

Mr. Mann is believed to have information regarding, *inter alia*, (i) his recruitment as an investor  
in the Private Placement Project, (ii) the fraud alleged in the Complaint and the persons and entities who  
participated therein, (iii) any agreements and communications between the various persons and entities  
involved in the Private Placement Project, and (iv) the HSBC Litigation.

13. Charles Martin Edwards  
Paddock Hill Farm  
Hough Lane  
Wilmslow, Cheshire  
SK9 2LH

Mr. Edwards is believed to have information regarding, *inter alia*, (i) his recruitment as an  
investor in the Private Placement Project, (ii) the fraud alleged in the Complaint and the persons and  
entities who participated therein, (iii) any agreements and communications between the various persons  
and entities involved in the Private Placement Project, and (iv) the HSBC Litigation.

1 14. Birui Wang  
2 28 Leeswood Crestwood  
3 Scarborough, Ontario  
4 Canada, M1S 2P3

5 Ms. Wang is believed to have information regarding, *inter alia*, her common business interests  
6 with Kevin So, the recruitment of her and Kevin So by Defendants Lu and Yang investors in a private  
7 placement investment, (ii) the recruitment of Plaintiff and others as investors in the Private Placement  
8 Project, (iii) the fraud alleged in the Complaint and the persons and entities who participated therein, and  
9 (iv) the HSBC Litigation.

10 15. Craig Christensen  
11 9609 Old Quarry Court  
12 Loomis, California 95650

13 Mr. Christensen is believed to have information regarding, *inter alia*, (i) his involvement with and  
14 investment of funds with Defendant Univest Financial Services, Inc. ("Univest"); (ii) the recruitment of  
15 Univest as an investor in the Private Placement Project; (iii) any agreements and communications  
16 between and among the various persons and entities involved in the Private Placement Project, including  
17 Univest; (iv) Univest's efforts to divest itself from the Private Placement Project, and (v) the distribution  
18 of and present location of the funds Univest received following its divestment.

19 16. Lawrence Gerschel  
20 7 Quaker Ridge Road  
21 Sherman, CT 06784

22 Mr. Gerschel is believed to have information regarding, *inter alia*, (i) his involvement with and  
23 investment of funds with Defendant Univest Financial Services, Inc. ("Univest"); (ii) the recruitment of  
24 Univest as an investor in the Private Placement Project; (iii) any agreements and communications  
25 between and among the various persons and entities involved in the Private Placement Project, including  
26 Univest; (iv) Univest's efforts to divest itself from the Private Placement Project, and (v) the distribution  
27 of and present location of the funds Univest received following its divestment.

28 17. Jeffrey Moritz  
1 Berkley Court  
Briarcliff Manor, NY 10510

Mr. Moritz is believed to have information regarding, *inter alia*, (i) his involvement with and  
investment of funds with Defendant Univest Financial Services, Inc. ("Univest"); (ii) the recruitment of  
Univest as an investor in the Private Placement Project; (iii) any agreements and communications  
between and among the various persons and entities involved in the Private Placement Project, including  
Univest; (iv) Univest's efforts to divest itself from the Private Placement Project, and (v) the distribution  
of and present location of the funds Univest received following its divestment.

18 18. Jane Zhou  
19 75 Bamburgh Circle  
20 Apt. 1917  
21 Toronto, Ontario M1W 3W1  
22 Canada

23 Ms. Zhou is believed to have information regarding meetings and negotiations between and  
24 among Lucy Lu, Michael Brown, Boris Lopatin, attorneys of Fox Williams, and/or others regarding  
25 Plaintiff's potential participation in the Private Placement Project.  
26



1 19. Leonard J. Suchanek  
2 3026 Seven Oaks Place  
3 Falls Church, Virginia 22042

4 Mr. Suchanek is believed to have information regarding the HSBC Litigation and the involvement  
5 of the various defendants therein.

6 20. George A. ("Youri") Lambert  
7 c/o Law Offices Lambert and Associates  
8 1025 Connecticut Avenue, Suite 1000  
9 Washington, D.C.

10 Mr. Lambert is believed to have information regarding the HSBC Litigation and the involvement  
11 of the various defendants therein.

12 21. Jackie Arnall  
13 147 Gresham Drive  
14 Romford, Essex RM6 4TR  
15 England, United Kingdom

16 Ms. Arnall is believed to have information regarding the Private Placement Project,  
17 communications HSBC had with Brown, Defendants, Plaintiff and other investors, as well information  
18 regarding HSBC's discovery of the fraud and the ensuing HSBC Litigation.

19 22. Ian Leonard  
20 53 Lily Close  
21 Chelmsford, Essex CM1 6YN  
22 England, United Kingdom

23 Mr. Leonard is believed to have information regarding the Private Placement Project,  
24 communications HSBC had with Brown, Defendants, Plaintiff and other investors, as well information  
25 regarding HSBC's discovery of the fraud and the ensuing HSBC Litigation.

26 23. Antony Brown  
27 Bivonas  
28 24 Cornhill  
London EC3V 3ND, UK  
44 (0)20 7337 2600

Mr. Brown is believed to have information the participation of all defendants and various non-  
parties in the HSBC Litigation.

24. Other witnesses from any entity (i) involved in the Private Placement Project, (ii) involved in the  
HSBC Litigation, or (iii) associated with other persons identified herein as potential witnesses, as  
well as any bank, law firm or brokerage firm representing or holding records relating to those  
persons or entities, including but not limited to: Land Base, L.L.C., Boris Lopatin & Associates,  
Univest Financial Services, Inc., KM & Associates International, LLC, CTL Projects  
International, KB&M Projects International, LLC, Fox Williams, Earth Core Group, Knight  
Capital Group, LLC, 5th Avenue Partners GmbH, 5th Avenue Partners Ltd., ADM Investor  
Services International Limited, Devonshire Capital Ltd., Lamberhurst Developments Ltd.,  
Lamberfiurst Hotels Limited, Premier Equity Ltd., Pritchard Stockbrokers Ltd., Refco Securities  
LLC, Refco Overseas Ltd., Refco Securities Ltd., Cambridge Asset Management, Trust Group,  
Ecovega, LLC, Altus Investment Management Ltd., Kendall Freeman, Mesereau & Yu LLP,  
Allen & Overy, Intrend Asset Management, HSBC Bank, plc (UK and Hong Kong), Emulex,  
Union Bank, Euroclear, Cantor Fitzgerald, DTC, SWIFT, Goodman Derrick, Morgan Stanley,

Ahmud & Co., Willoughby & Partners, Taylor Wessing, LLP, Robert C Seekts Solicitors, the U.K. Foreign & Commonwealth Office.

25. Custodians of records for any of the above persons or entities and/or any other person as necessary to provide foundation for the introduction of records and exhibits into evidence.

Plaintiff reserves the right to call any and all witnesses disclosed and/or listed by any other party to this matter and other witnesses whose identities may not yet be discovered. Discovery is ongoing and this Initial Disclosure may be supplemented, if necessary, in accordance with the Rules.

**B. Documents and Things that May Be Used to Support Plaintiff's Claims.**

Without waiver of any objections thereto, Plaintiff may rely on the following documents and things. All items listed below will be offered to the extent they exist and are later obtained through discovery. Plaintiff does not have all of the following items in its possession but some may be in the hands of Plaintiff's agents, specifically U.K. counsel.

1. The contract described in the Complaint as the Land Base Agreement;
2. All Pleadings filed in the HSBC Litigation;
3. All transcripts of any hearing or trial proceedings held in connection with the HSBC Litigation or the prosecution of any charges against Michael Brown relating in any way to the Private Placement Project (the "Brown Prosecution");
4. All experts' reports (and exhibits or appendices thereto) prepared or filed in relation to the HSBC Litigation by any person, including but not limited to M. Desmond Fitzgerald Stephen Maxwell Hiscock, Vantis Nurnerica LLP, Leonard Suchanek;
5. All witness statements or affidavits made or filed in relation to the HSBC Litigation by any person or entity, including but not limited to: Jamil Ahmud, Allen & Overy, Jacqueline Louise Arnall, Paul Backhouse, Mark Bravi, Charles Leary Brimble, Denis Byrne, Jemma Caroline Clamp, Andrew Stephen Cormack, Julian Morgan Courtney, Deborah Mary D'Aubney, Andrew Rhys Davies, Andrew Laurence Denny, Patrick Louis de Vink, Charles Martin Edwards, Rainer Friedrich Stephen Evers, 5th Avenue Partners, Michael Charles Fishlock, David Gillespie, Philip Hall, Stephen Hawksworth, Winston Hayles, Robert John Hunter, HSBC Bank plc, David Richard Kendall, Simon Hume Kendall, Clifford Graham Knuckey, Noel Jon Jordan Lindsay, Ian Stuart Leonard, Boris Lopatin, Robert William Mann, Joanne Carole Mather, Nigel Miller, David Mudie, Keith Edward Oliver, Raymond Mark Parker, Simon Paterson, Joanna Powell, Walter Schumacher, Kevin So, Richard Gavin Spence, Benjamin Summers, Mona Bina Annmary Vaswani, Craig Gordon Walker, Emma Marie Walker, Angeline Marie Welsh, Russell Gurney Williams, Yan Lucy Lu (aka Lucy Lu), Jane Zhou;
6. All exhibits and documents filed or offered in evidence in any hearing, trial or proceeding in the HSBC Litigation;
7. All orders, rulings, memoranda, decisions, or judgments issued by the High Court in relation to the HSBC Litigation;



- 1 8. All records (including but not limited to bank statements, correspondence, records of electronic  
2 transfers, procedure and employee manuals, employment records, and audio files) produced by  
HSBC in relation to the HSBC Litigation and/or the present litigation;
- 3 9. Transcripts of all depositions (including exhibits and appendices thereto) conducted in connection  
4 with the HSBC Litigation;
- 5 10. All documents constituting discovery or disclosure requests or responses exchanged by any party  
or person during the HSBC Litigation;
- 6 11. All correspondence and documents relating in any way to the Private Placement Project including  
7 any documents relating to transactions, schedule and expenses;
- 8 12. All correspondence and documents relating in any way to Plaintiff's investment in the Private  
Placement Project;
- 9 13. All correspondence and documents relating in any way to Robert Mann's investment in the  
Private Placement Project;
- 10 14. All correspondence and documents relating in any way to Charles Edwards' investment in the  
11 Private Placement Project;
- 12 15. All contracts between Kevin So and any Defendant or other person or entity involved in the  
Public Placement Project;
- 13 16. Correspondence between and among any party to this action and any person or entity listed as a  
14 potential witness in Section A;
- 15 17. All correspondence between and among all parties, their counsel, and all witnesses in connection  
16 to the HSBC Litigation;
- 17 18. All witness statements and other documents in the files of the police relating to the investigation  
of Michael Brown and/or the Brown Prosecution and/or the Private Placement Project and/or the  
18 HSBC Litigation.
- 19 19. News articles regarding HSBC, Michael Brown, and/or the HSBC Litigation;
- 20 20. All documents produced by any party in response to a subpoena issued in the present litigation,  
the HSBC Litigation, the Brown Prosecution, the matter entitled *In re Application Pursuant to 28*  
21 *U.S.C. 1782 for an Order Permitting Discovery*, Case No. 2007 MISC M19-96 (S.D.N.Y.), and  
the Michael Brown bankruptcy litigation in the U.K. and any other litigation arising from or  
22 related to the Private Placement Project;
- 23 21. Travel records of any persons listed in Section A above
- 24 22. Documents, materials, and authoritative works relied upon by any expert in this matter;
- 25 23. Transcripts (including videotapes and recordings) of depositions taken of any person in this  
matter and any exhibits or attachments thereto;
- 26 24. Admissible portions of all discovery responses and Disclosure Statements served by any party in  
this matter and any exhibits or attachments thereto;
- 27
- 28

1 25. Expert witness report and *curriculum vitae* for each expert witness retained by any party, and all  
2 evidence reviewed by such witness in formulating his or her opinions, to be provided when  
received;

3 26. All exhibits and evidence disclosed and/or listed by any other party to this matter;

4 27. All pleadings filed in this action.

5 Discovery is in its initial stages and Plaintiff reserves the right to supplement this disclosure, if  
6 necessary, to add additional documents and things which might be identified during subsequent  
discovery, in accordance with the Rules.

7 **C. Computation of Damages.**

8 Plaintiff's damages, to the extent they can be calculated at this time, were set out in detail in the  
9 Motion for Default Judgment filed on September 15, 2008, which is incorporated herein. These damages  
10 are presently estimated as follows:

11	1. Initial Losses from Private Placement Project	
12	a. Initial investment	\$30,000,000.00
13	b. Less net "participation" distributions received	-\$1,692,463.00
14	c. Less funds received from UK court	-\$10,329,246.15
15	d. Less proceeds of plane sale	-\$808,367.70
		<u>\$17,169,923.15</u>
16	2. Losses in HSBC Litigation	
17	a. Attorneys' fees in HSBC Litigation (est.)	\$6,500,000.00
18	b. Plus Order against Plaintiff for HSBC costs	<u>\$1,582,875.00</u>
19		\$8,082,875.00

20 These figures represent preliminary calculations. Plaintiff will supplement accordingly. Plaintiff  
21 also is entitled to compound interest on the amounts listed in No. 1 and simple interest on the amounts  
22 listed in No. 2 from the time each amount was incurred until date of judgment.

23 In addition, Plaintiff suffered expectation damages, including but not limited to, lost profits as a  
24 result of the fraud and conversion of Plaintiff's investment funds alleged in the Complaint (or any  
amendments thereto). Plaintiff additionally suffered damage to his reputation and loss of good will as a  
result of Defendant's fraud and their continued deception throughout the HSBC Litigation.

25 **D. Insurance Policies.**

26 Plaintiff holds no insurance policy which is applicable to this matter.

27

28

1 Dated February 20, 2009

KALBIAN HAGERTY L.L.P.

2   
3 D. MICHELLE DOUGLAS (CA Bar No. 190248)  
4 Counsel for Plaintiff Kevin So  
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CERTIFICATE OF SERVICE

I hereby certify that on this 20<sup>th</sup> day of February, 2009, a true and complete copy of the foregoing Plaintiff's Initial Rule 26 Disclosure Statement was served via U.S. Mail on the following:

Charles Woodhead  
25 Nunes Road  
Watsonville, CA 95076

Thomas W. Dressler, Esq.  
Dennis M. McPhillips, Esq.  
Dressler Law Group  
707 Wilshire Blvd., Ste. 3700  
Los Angeles CA, 90017  
Attorneys for Univest Financial Services, Inc.

Mira Meltzer  
7848 Willowbrook Road  
Fairfax Station, VA 22039

  
D. MICHELLE DOUGLAS (CA Bar No. 190248)  
Counsel for Plaintiff Kevin So